

### **REMARKS/ARGUMENTS**

The office action of January 17, 2003 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 43-95, 97-101, 103, 104, 106-108 and 110-119 remain in this application. Claims 43, 46, 47-49, 52-58, 62, 63, 66-68, 71-74, 77-83, 87-88, 92-93, 97-100, 103-104, 106-108, 112-113 and 116-119 have been amended. The basis for the above amendments may be found throughout the specification, drawings and claims as originally filed.

Claims 43-95, 97-101, 103, 104, 106-108 and 110-119 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Silverman et al. EP0399850 (*Silverman*) in view of Hartheimer et al., U.S. Patent No. 5,305,200 (*Hartheimer*) and “DEALING-2000-2 DELAYS, MARKET WORRIES HIT REUTERS SHARES” (*Reuters*). Applicants respectfully traverse these rejections.

#### **35 U.S.C. 103**

Neither *Silverman*, *Hartheimer* nor *Reuters*, either alone or in combination, discloses, teaches or suggests the claimed invention. For example, none of the references teaches a confirmation timer at a workstation that measures a time elapsed from reception of a bid or offer signal from a host, or from sending an acknowledgement of the bid or offer signal to a host, until the workstation receives a confirmation of the acknowledgement from the host.

In order to ensure that a transaction is completed, *Silverman* teaches time-stamping a transaction message 120 at the central system, displaying “please wait” at the submitting keystation 24a until the transaction message has been acknowledged, and sending follow-up

directed messages to keystations involved in a transaction. (col. 18, lines 5-35). These actions do not involve measuring a time interval.

To ensure completion of a transaction, the system of *Hartheimer* relies on log entries located in processors at respective bank nodes involved in the respective transaction. The system of *Hartheimer* discloses that a workstation can initiate a transaction recovery attempt via its corresponding bank processor by reviewing associated log entries. The recovery attempt may occur when the workstation does not receive a response within a predetermined period of time after it logs a transaction as “order in process.” An “order in process” designation occurs in response to a workstation placing an order with a market maker. (col. 7, lines 29-37). The time period measured in a system according to *Hartheimer* is from sending an order from a requestor workstation to a market maker (e.g., submit a bid or offer) until the requestor workstation receives a response from the market maker. Thus, *Hartheimer* does not disclose, teach or suggest measuring a period elapsed from reception of a bid or offer signal from a host, or from sending an acknowledgement of the bid or offer signal to a host, until the workstation receives a confirmation of the acknowledgement from the host.

*Reuters* discloses that a central transaction desk is alerted in the event of a fault based on the order matching service taking “a certain time, measured in seconds” to confirm the trade to both counterparties. “[I]f during this time one of the counterparties’ terminals goes down, the transaction desk will be alerted within eight seconds.” (page 3, lines 12-27). However, *Reuters* does not disclose actions occurring at a counterparty terminal, but at the central transaction desk. Thus, *Reuters* does not disclose, teach or suggest confirmation timers at the counterparty terminal, or the measuring of an elapsed acknowledgement time at the counterparty terminal.

Independent claims 43, 54, 59, 62, 63, 67, 68, 79, 84, 88, 92, 93, 100, 103, 104, 106, 110, 112, 113 and 117, as amended, among other features recite measurement of an interval involving confirmation of an acknowledgement. For at least this reason, Applicants respectfully submit that independent claims 43, 54, 59, 62, 63, 67, 68, 79, 84, 88, 92, 93, 100, 103, 104, 106, 110, 112, 113 and 117, as amended, are allowable over *Silverman*, *Hartheimer* or *Reuters*, either alone or in combination. Further, dependent claims 44-53, 55-58, 60, 61, 64-66, 69-78, 80-83, 85-87, 89-91, 94, 95, 97-99, 101, 107, 108, 111, 114-116, 118 and 119, which each ultimately depend from a respective one of the independent claims listed above, are patentable over *Silverman*, *Hartheimer* or *Reuters*, either alone or in combination, and further in view of the novel features recited therein.

#### **Lack of Motivation to Combine References**

Applicants respectfully disagree with the Examiner's position that there is a motivation to combine *Silverman* with *Hartheimer*. The Examiner states that the motivation is for "guaranteeing delivery of digital messages in a network particularly in trading systems. (col. 6, lines 41-61)." (Office Action mailed September 18, 2002, page 4). However, the one-to-one trade system of *Hartheimer* is incongruous with the multi-party trade system of *Silverman*. Thus, one of ordinary skill in the art would not look to the one-to-one trade system of *Hartheimer* to confirm trades in the multi-party trade system of *Silverman*.

*Silverman* discloses a system that enables trades between multiple parties that involves various broadcast and directed messages between a central system and the various counterparties. As such, communications with each involved party to a transaction are verified. *Hartheimer* discloses a system that enables a transaction between a single buyer or seller and a

market maker. As such, only communications between the two parties are verified. Consequently, there is no motivation to look to a one-to-one trade system of *Hartheimer* to confirm trades executed in the multi-party trade system of *Silverman*.

Further, *Silverman* relies on various acknowledgement and confirmation messages between the central system and the counterparties to ensure completion of a transaction. In contrast, *Hartheimer* relies on a two-stage logging process at bank nodes to ensure completion of a transaction. Thus, there is no suggestion to combine the two-stage logging process of *Hartheimer* with the message-acknowledgement system of *Silverman* to ensure completion of transactions.

**Hartheimer teaches away from Silverman**

The multi-node system of *Hartheimer* is incongruous with the central system of *Silverman*, which strongly dissuades such a combination. If the teachings of *Hartheimer* were nonetheless combined with the system of *Silverman*, the combination would yield a system in which a time period is measured between a workstation submitting an order message ('order' of *Hartheimer*, see col. 6, lines 63-68 and col. 7, lines 29-34; bid or offer of *Silverman* – see col. 17, lines 41-51, 120 of Fig. 6) and receiving a response to the order (either 'order confirmed' or 'quote interrupted' of *Hartheimer*; acknowledgement of *Silverman*, 122 of Fig. 6). In other words, the time period measured in a combined system for ensuring completion of a transaction is from placement of an order (e.g. bid or offer) by a requestor workstation until a response is received. This teaches away from timing follow-up acknowledgement/confirmation messages according to the claimed invention. As such, *Hartheimer* teaches away from timing other messages at the workstation to ensure completion of a transaction, and instead teaches

communication between bank node processors to resolve any 'doubtful' transactions. (col. 3, line 60 through col. 4, line 5).

### CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.


All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

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